

Snohomish County Superior Court
Local Court Rule Change
Effective: September 1, 2015

PART VIII. JUVENILE COURT RULES

(SCLJuCR)

TITLE 3. DEPENDENCY & TERMINATION PROCEEDINGS

RULE 3.9 DEPENDENCY REVIEW HEARINGS

(a) Dependency Review Reports. A written review report shall be prepared by the supervising agency which shall be filed and served on all counsel and unrepresented parties not less than 14 calendar days prior to any 6-month review or permanency planning hearings. Responsive documents shall be filed and served on said parties and counsel not less than 7 calendar days prior to any 6-month review or permanency planning hearing. Reply documents, if any, shall be filed and served on said parties and counsel not later than noon 2 court days prior to any 6-month or permanency planning hearing. Courtesy copies of all dependency review reports, responsive and reply documents shall be provided to the assigned judge at the time of filing with the court. The supervising agency shall mail a copy of the written review report to any represented party at the time it is filed with the court.

(b) Non-contested Calendar. All dependency reviews not being heard by the Foster Care Citizen Review Board shall be set for hearing on the non-contested calendar to be heard between 5 and 6 months after the beginning of the placement episode or entry of the order of dependency, whichever occurs first; and thereafter between 5 and 6 months after entry of the previous review order. The initial review hearing shall be an in-court review and shall be set 6 months from the beginning date of the placement episode or no more than 90 days from the entry of the disposition order, whichever comes first. A dependency review hearing order consistent with the agency court report may enter at the hearing, subject to court review.

(c) Contested Calendar.

i. If a party wishes a contested review hearing, he or she shall obtain a date from the clerk's office and serve a Notice of Contested Hearing on counsel

and unrepresented parties at least 1 court day prior to the non-contested calendar date.

ii. The contested hearing date shall be at least 7 days later than the non-contested hearing date, but less than 6 months from the date of the prior review hearing.

iii. If the contested hearing is set for a time beyond the normal review period an order maintaining the status quo will be entered pending the contested hearing.

iv. The Notice of Contested Hearing shall contain the hearing date obtained from the clerk's office, the issues that are contested, and the estimated length of time needed for the hearing. The notice of contested hearing shall be accompanied by documents in support of the issue.

v. The court may set a case on the contested calendar with notice to all parties accompanied by a statement of the reasons for such action.

vi. Failure to timely note a contested review may result in entry of a dependency review hearing order on the non-contested calendar consistent with the agency's court report.

vii. Inability to contact one's client will not be deemed a basis to transfer a matter to a contested calendar. If desired, counsel can file a written statement as to non-contact as a basis for non-agreement, but the matter will be deemed non-contested.

(d) Permanency Planning Hearing. In all cases where a child has been placed in substitute care for at least 9 months and an adoption decree, guardianship order, or permanent custody order has not previously been entered, a permanency planning hearing shall be set on the "Permanency Planning Review" calendar no later than 12 months following commencement of the placement episode. Additional permanency planning hearings shall be held at 11 month intervals thereafter for so long as the child remains in substitute care. After receipt of the agency's court report, if a party or GAL contest any issue, they must file and serve on all counsel and unrepresented parties a Notice of Contested Issues no later than 7 calendar days before the hearing. The Notice of Contested Issues shall be accompanied by documents in support of the issue. Any reply documents must be filed and served on all counsel and unrepresented parties not later than noon 2 court days before the contested hearing. Courtesy copies of the Notice of Contested Issues and all reply documents shall be provided to the assigned judge at the time of filing with the court.

(e) Motions. Any party may note a motion for hearing on a regularly scheduled contested review calendar. The form of motions, procedures, and filing and service requirements shall be as set forth in SCLCR 7 for civil motions.

i. Motion with oral argument. A party wishing to note a motion for hearing shall obtain a date from the clerk's office and shall file and serve the motion, a calendar note, and all supporting documents to all counsel and unrepresented parties at least five (5) court days prior to the date set for the hearing. Any

responsive documents must be filed and served on all counsel and unrepresented parties not later than noon two (2) court days before the contested hearing. Any document in reply to the response must be filed and served on all parties no later than noon of the court day prior to the hearing. Courtesy copies of the motion, supporting documents and all reply documents shall be provided to the assigned judge at the time of filing with the court. Special settings shall be made only with the permission of the assigned judge. The form of motions, procedures, and filing and service requirements shall be as set forth in SCLCR 6 & 7 for civil motions.

ii. Motion without oral argument. Non-dispositive motions which a party reasonably believes can be resolved on pleadings alone may be noted without oral argument in the same manner as other motions except that:

- (A) The moving party may note the motions for any court day without obtaining a date from the Clerk's Office.
- (B) The moving party must clearly designate in their note for calendar that the motion is to be heard without oral argument. The proposed order must also be distributed to all counsel and unrepresented parties at the time of filing, and shall be clearly marked "PROPOSED."
- (C) Any party opposing the motion must file and serve their responsive materials, including an alternative proposed order, on all counsel and unrepresented parties not later than noon two (2) court days before the contested hearing. Working copies of the motion, supporting documents and all reply documents shall be provided to the assigned judge at the time of filing with the court.
- (D) Any party may request that the motion be heard with oral argument by clearly noting "oral argument requested" on the first page of their opposition materials.
- (E) If the court determines that oral argument is necessary, either on request of a party or on its own determination it will issue an order re-setting the hearing to occur with oral argument not more than three court days after the initially noted date for consideration. Examples of a motion which a party may reasonably believe can be resolved on pleadings alone include: Medical/dental care authorizations requiring a court order where the parents agree to the treatment; travel requests requiring a court order where the parents agree to the travel; requests for youth authorization to participate in Driver's Education; Motions for court-determination of visitation schedule (e.g. around holidays); any proceeding where a parent's agreement is unable to be secured after reasonable attempts to contact.